

REMARKS

Claims 35 and 37-38 have been canceled. Applicant reserves the right to pursue the subject matter of canceled claims 35 and 37-38 at a later time. New dependent claims 55-58 have been added. New dependent claims 55-58 are directed to previously unclaimed features of the invention. Support for new dependent claims 55-58 can be found at at least page 8, line 30 to page 9, line 4; page 11, lines 4-7; page 12, lines 9-22; and Figs. 2-3 and 5-7 of the application as originally filed. Applicant has reviewed the prior art of record and believes that the features of new claims 55-58 are not taught or suggested by the prior art of record. Applicant respectfully requests consideration of the foregoing amendments to the claims prior to continued examination. Claims 20-21, 23-25, 27-34, 39-40, and 42-58 are currently pending.

The Office Action has required restriction between the claims directed to Figs. 1-4 (Group I), Figs. 5-6 (Group II), and Fig. 7 (Group III). The Office Action indicates that the claims corresponding to these Figures are directed to patentably distinct species. The Office Action has required identification of the species that is elected and a listing of all claims readable thereon. Applicant respectfully submits that the embodiment illustrated in Fig. 1 is generic to all of the embodiments of the invention and should not be included in the restriction requirement. In view of the restriction requirement, Applicant respectfully submits that the grouping of the claims should be as follows: Claims 20, 33, 34, and 42-46 (Group I) are directed to embodiments of the invention described in Figs. 2-4 of the application. Claims 21, 23-25, 27-32, 39-40, and 47-58 (Group II) are directed to embodiments of the invention described in Figs. 5-6 of the application. Claims 35 and 37-38 (Group III), now canceled, were directed to an embodiment of the invention described in Fig. 7 of the application.

Applicant traverses the restriction between Groups I and II for several reasons. 1) Applicant respectfully submits that claims 20, 33, 34, and 42-46 (Group I) should be grouped in the same category as claims 21, 23-25, 27-32, 39-40, and 47-58 (Group II), as claims 20-21, 23-25, 27-34, 39-40, and 42-58 are all directed to embodiments of the invention having a vibrating assembly mounted within a hollow interior space or cavity in a handle portion of a fishing pole. 2) In a previous Action, claim 20 has been indicated as allowed, and claims 33-34 and 42 have been indicated as having allowable subject matter. Applicant respectfully submits that since the subject matter of claims 20, 33, 34, and 42-46 has already been searched and examined by the

Examiner and found to contain allowable subject matter, the continued examination of claims 20, 33, 34, and 42-46 does not place a serious burden on the Examiner (see MPEP § 803). Applicant further respectfully submits that claims 20, 33, 34, and 42-46 should be allowed. Applicant respectfully requests reconsideration of the restriction requirement and the continued examination of claims 20-21, 23-25, 27-34, 39-40, and 42-58. If the Office is in disagreement, Applicant provisionally elects claims 21, 23-25, 27-32, 39-40, and 47-58 (Group II) for continued examination.

In view of the above amendment, and the amendment and remarks filed on June 25, 2004, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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